CRIME AGAINST WOMEN IN 21 CENTURY: A LEGAL ANALYTICAL INSIGHT

A PROPOSED SYNOPSIS OF THE THESIS

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Supervised by:

DR. AMITESH ANAND

ASSOCIATE PROFESSOR OF LAW

Submitted by

SABIA MALIK

RESEARCH SCHOLAR

Reg. No. 60200909

INTRODUCTION

Women hold a special place in every culture, advanced or primitive, developed or undeveloped. This is especially true because women have so many responsibilities throughout their lives, as daughters, wives, mothers, sisters, etc. Despite everything that she has done to better the lives of others, women continue to be at a disadvantage in society due to the many ways in which they are discriminated against and oppressed by the male-dominated power structure. Women in India are no better off than women anywhere else in the globe. As one side of the coin, she is universally admired and worshipped because of her status as a paragon of open-mindedness and moral excellence. On the other hand, women has experienced incalculable suffering at the hands of a male-dominated society. The economic autonomy of women has nothing to do with the vulnerability of women as a class. Both privileged and disadvantaged women have been victimized by society's biases and prejudices. According to a previous U.N.O. report, women make up half of the global population, account for roughly two-thirds of total labour hours, earn one-tenth of global income, and own less than one-hundredth of global wealth. However, her status in society has undergone significant shifts. Women constitute roughly half of India's population. They have long been the object of prejudice, and they are still persecuted in both modern and traditional preindustrial communities. They have been subjected to discrimination, inequality, and humiliation since the dawn of time. These are some of the reasons why legislators passed a spate of bills ensuring women a fair share of the pie. Regrettably, only a portion of these norms could be codified and standardized. In the criminal law, numerous sections cover crimes against women. Women are afforded additional legal protections under the law due to their unique social and physical position. The term "WOMEN" refers

to any female human being of any race, colour, country, religion, age, or sexual orientation for the purposes of the Indian Penal Code, 1860. (Section 10 I.P.C.).

This research study aims to study the condition of women in prospect of Indian criminal Law. For the purpose it has been segmented into 6 chapters, including:-

1. **Introduction.**
2. **Meaning, Concept and Background of Crime against Women.**
3. **Crime against Women- International and National Scenario.**
4. **Crime Against Women- What Does Our Supreme Legislation And Supreme Judiciary Speak.**
5. **Judicial Activism and Recent Judgment.**
6. **Conclusion.**

According to the texts of ancient India, such as the Rigveda and the Puranas, women enjoyed a high status in ancient Indian culture. The history of our women, from the time of the Vedas to the present, is rich with examples of their bravery and strength. However, as societal, political, and economic norms shifted, women gradually lost their prominence. Statistics showed a decline in the sex ratio, health status, literacy rate, work participation rate, and political engagement of women as a result of the widespread adoption of harmful rituals and traditions that oppressed and confined them to the confines of the home. However social issues like dowry-related fatalities, underage marriage, domestic violence, rape, sexual harassment, and the exploitation of women workers under the age of 18 are on the rise in India. Raping, kidnapping, molesting, murdering for dowry, torturing, and beating your wife have all become unhealthy habits over time.

“Crimes against women can be defined semantically as any act of violence or abuse against a woman, whether committed directly or indirectly. It is called a "Crime against Women" when the perpetrator targets exclusively females and no males are hurt. Defining what is meant by "violence" in the context of women is also crucial. Any form of physical aggression or misbehavior is considered violence, which is why the two terms are often used interchangeably. Whether it's a spouse, a child, a parent, or a domestic worker, domestic violence refers to acts of violence committed against members of the same household. It's important to keep in mind that there is no one way to describe domestic violence and that it can look different ways. Abuse can happen in many ways, such as through physical punishment, sexual assault, or mental manipulation. In its 1993 Declaration on the Elimination of Violence against Women, the UN defined "violence against women." Any public or private act that causes or is likely to cause physical, sexual, or emotional pain or suffering for women is defined as violence against women. This includes but is not limited to acts of violence, threats of violence, coercion, or arbitrary deprivation of liberty.

Promoting and protecting gender equality is essential, as stated in the Indian Constitution's Preamble, Fundamental Rights, Fundamental Responsibilities, and Directive Principles. The Constitution permits affirmative discrimination on behalf of women in fields including economy, education, and politics in addition to guaranteeing their right to vote and equal protection under the law. Our democratic government has fostered legislation, development policies, plans, and programming all with the goal of empowering women. There are a number of international treaties and human rights instruments that India has ratified, all of which affirm the country's commitment to ensuring women's rights. Of

particular importance is the 1993 ratification of CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women.

The Protection of Human Rights Act, 1993:

Protection of Women from Domestic Violence Act, 2005: Domestic violence includes any act, action, omission, or commission against a female household member that results in harm, injury, or the risk for harm, as defined by this Act. It shields women from any kind of violence, whether it be physical, sexual, emotional, verbal, psychological, or financial. On November 4, 2010, the government introduced the Protection of Women against Sexual Harassment at the Workplace Bill, 2010, which seeks to protect women in the workplace. This includes not only female employees, but also female clients, customers, students, scholars, and patients in institutions of higher education and healthcare facilities. On September 9, 2012, Lok Sabha voted in favour of the bill.

Classification of Crime Against Women:

Crimes like "murder," "robbery," "cheating," and so on can happen to women, but only those committed with the intent to harm women are considered "crimes against women." There have been numerous bills introduced and changes made to existing laws to address these criminal activities. There are two main groups that these fall into.

A. The Crimes under the Indian Penal Code (IPC)

Seven Crimes included under this head are as follows:

(i) Rape (Section 376 IPC)

(ii) Kidnapping & Abduction (Sec. 363-373 IPC)

(iii) Dowry Death (Sec.302, 304B IPC) and Dowry Prohibition Act, 1961

(iv) Torture (Cruelty by Husband & Relatives) (Sec.498-A IPC)

(v) Molestation (Sec.354 IPC)

(vi) Sexual Harassment (Sec.509 IPC)

LITERATURE REVIEW

According to M. Shenoy‟s (2007) Domestic violence is often described as physical or sexual abuse between an intimate partner, as he states in his book "Domestic Violence Issues and Perspectives" (typically a man and a woman). Despite the fact that domestic violence and abuse affect a substantial proportion of the population, many of us assume we are unique or alone because we have been a victim or know someone who has been. It appears to occur in all countries and civilizations, regardless of economic, ethnic, or social status. Its presence dates far back in time, and there may never have been a time when it did not exist at all. Throughout ages, if not millennia, males have assaulted, attacked, raped, violated, psychologically abused, maimed, and killed women in their homes by the millions. He goes on to say that if we want to view it, it is a frightening and unpleasant sight. Some people simply choose to ignore it. That is, it is in people's nature to do such things, and there is nothing you can do about it. It's the belief that human beings, individually and collectively, have the power to alter the course of history. There is no need for us to perpetually be haunted by the terrible legacy of violence and abuse against women. Domestic violence, as M. Shenoy notes in his work, is a glaring example of the gender power gap. The term "domestic violence" in and of itself might obscure the true identities of the abuser and the abused. At first glance, it can be assumed that this term refers to any form of domestic abuse. As a result, a lot of women are beginning to wonder if it's even

worth it. In the United States, the anti-domestic-violence movement is often referred to as the "battered women's movement," a term that narrowly focuses on physical abuse. Very often, sexual humiliations and attacks are paired with other forms of physical abuse, or males will use threats of violence to coerce women into engaging in sexual activity with them. In addition, he addresses the concerns of emotional and mental abuse that arise in the context of domestic violence. Physical assault without accompanying emotional abuse and threats is extremely uncommon for women. One of the most common types of violence, especially among men trying to assert their authority over their partners, is the use of threatening threats. An assault or broken arm are two examples of possible injuries. Murder is usually the cause. When enraged, both sexes have a penchant for yelling that they are going to kill the other person. However, women who have experienced domestic violence before know, with terrifying clarity, when a murder threat is uttered with seriousness and true meaning. When they make statements like that, it's imperative to pay attention to them and take their advice to heart. Men can threaten in a variety of demeaning ways, including harm to children, sexual violence (primarily rape), destitution, and so on. In addition to verbal threats, degradation and humiliation are common kinds of emotional abuse. As an illustration, consider the common occurrence of women being the targets of persistent insults, threats, and other forms of verbal assault. The accumulation of these factors gives rise to the somewhat dated but still useful concept of "mental cruelty".

Over the past decade, substantial progress has been made in recognizing and counteracting violence against women and girls around the world. As a result, numerous treaties, laws, and frameworks have been put in place, such as the Sustainable Development Goals, to combat violence against women. Now, most people agree that discrimination against

women and girls and power differences between the sexes are two of the main reasons why women are abused. The Ecological Framework has become the de facto standard for analysing these factors. Even though the problem is huge, there is more and more evidence that violence against women and girls can be reduced within timeframes.

RESEARCH OBJECTS

Partner violence, sexual assault, emotional abuse, and stalking have all been studied separately to identify their unique risk factors. We know surprisingly little about what can put someone at risk for being stalked or emotionally abused. There is a lot of crossover between the risk factors for sexual assault and physical violence by intimate partners, therefore we discuss them together. Most experts agree that there is no one cause that automatically increases women's vulnerability to violence. Rather, scientists have discovered that a woman's risk of victimization depends on a complex interplay of factors. Since there are so many potential dangers, an ecological framework has been used to categories the various interconnected elements. Some Sociocultural risk variables are examined in an effort to explain the phenomenon of violence. Conversely, societal structural risk factors including social and economic disadvantages increase the likelihood of violent behaviour. Relational qualities that are linked to violence are one type of family risk factor. Individual risk factors, including those of perpetrators and victims, have received the greatest attention.

Those active in the rape crisis and domestic abuse movements had ample evidence from the laws and judicial practices that decriminalized most cases of violence against women that pointed to a culture that allowed male aggression as a root cause of the problem. Supporters of criminal justice reform often ran across hostility and skepticism when

pushing for reforms in the law and policy. From a socio-legal standpoint, the goal of reforms addressing sexual assault, domestic violence, and stalking is the same, even if they have taken different approaches: to alleviate the onus of proof or prevention from victims and potential victims, thereby reducing the legal distinctions that have historically distinguished these crimes based on gender. Efforts to reform domestic violence have also focused on making the legal system more accountable for preventing women from becoming victims again, primarily through the increased use and implementation of protection orders. (Worden, 2000a).

In the 1980s, efforts were made to treat violence as a public health and medical concern (Waller, 1994). When Surgeon General C. Everett Koop wanted to get people thinking about the causes and effects of violence, he convened the Workshop on Violence and Public Health in 1985. Thus, the Public Health Service's priority-setting plan includes six objectives related to violence against women. "Healthy People 2000".

NATURE AND IMPORTANCE OF RESEARCH

Violence against women has been getting more and more attention in recent years, but the scope and size of the problem are still being talked about (e.g., Gilbert, 1995). For example, research on the number of women who are raped in their lifetimes has given numbers as law. There are also arguments about how many women are abused. The most often used numbers come from the National Family Violence Surveys (Straus and Gelles, 1990), which found that 116 out of every 1,000 women had been hurt by a partner in the past year, and 34 out of every 1,000 had been hurt "severely" by a partner. Violence against women is a real problem that needs to be talked about, its effects, and what can be done to stop it. But sometimes the debates about the size and scope of the problem get in the way of that.

In this section, we look at the data that have been collected on the topic of violence against women. Beginning with the most severe forms of violence, those that result in death, it examines the available statistics. This chapter examines statistics on nonfatal violence from representative sample surveys and official data sources, and it addresses the factors that may account for inconsistencies between studies. It also addresses information gaps, data uses, and provides suggestions for enhancing statistics on the prevalence and characteristics of violence against women.

Crime and deterioration in cultural values tend to follow the increase in population. Most notably, sexual assaults against women are on the upswing. Despite the fact that criminal activity happens in all nations and cultures, the vast majority of crimes go undetected and unreported. One dowry-related homicide, one crime against women, and one rape or sexual assault occur every 77, 3, and 27 minutes respectively in New Delhi, as reported by the National Crime Records Bureau (NCRB). Forensic medicine plays an important role in the aforementioned criminal situation by assisting in its prevention, early detection, and the provision of professional medicolegal and scientific reports as soon as possible, which expedites trials and guarantees victims obtain justice as soon as feasible. Because victims, investigating authorities, medical and paramedical staff lack legal or medicolegal and scientific awareness and competence, justice is buried or delayed. Forensic nursing requires increased attention, and rural and semi-urban health care personnel require medico-legal training to respond to and report cases of violence against women. If one criminal is acquitted, a hundred others will be born into crime. Prosecution and punishment are preferable to detection and prevention.

HYPOTHESIS

Keeping the Literature Review in mind, the following Hypothesis were formulated to achieve each of the objectives in the descriptive study. Violence against women, like many other societal issues, is universal throughout cultures. As a result, all societies try to limit the frequency with which terrible events occur and to punish those responsible. After being suspected of a crime, one is entitled to a fair trial and should be treated as such until guilt is proven beyond a reasonable doubt. The criminal justice system contributes significantly to the public's trust in the justice system and the rule of law.

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C. Koenig, A. M., et al. 2006. Individual and Contextual Determinants of Domestic Violence in North India. American Journal of Public Health.
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E. Centre for Women's Studies & Development the Research Institute. 2005. A Situational Analysis of Domestic Violence Against Women in Kerala.
F. Joshi, M. M. 2001. The Protection from Domestic Violence Bill. Government Bill. Bill No. 133 of 2001.
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These Problems are: -

A. What are the reasons for effective implementation of Present Criminal Justice System in India in dealing with offences against women?
B. What are the present laws and provisions, which are ineffective and less used or exercised in administering Criminal Justice System in India for Protection of women against offences?
C. What should be the Minimum age of Criminal responsibility in the Juvenile Act, after Nirbhaya Gang Rape Case 2012?
D. What, when and how the laws for offences against women are misused? By exploring different cases.
E. What should be the minimum time period for conducting speedy trial in Criminal Justice System for delivering justice in sexual offences cases against women in India?
F. What should be preventive measures and actions taken for protection of Women Victims and witnesses in the Criminal Justice System in India in offences against women?
G. What can be reformed in present Criminal Justice System in India with special reference to offences against women, as the new area of Cyber Crime included in it?

The present research study will compile data to be used as supportive evidence to validate the hypothesis. On the basis of responses to the queries about the individual features of the Relevant Target audiences and responses to the relevant judgments, case laws, Reports and Articles. The Hypothesis mentioned above will be verified and validated.

RESEARCH METHODOLOGY

The present study is majorly non-empirical/doctrinal research and analytical method is extremely useful in this study. This study seeks to interpret existing statutes and legal text in the light of crime against women.

Further this study will be comparative and will analyse the national and international legal frame work to revel all the similarities and dissimilarities of legislation regarding crime against women which will be essential for an effective and preventive legal framework.

WORK PLAN

Generally speaking, the criminal justice system has been criticised for its sexist treatment of female offenders. According to the author, "SEXIST ideology is not a single reality but a blend of personal values, professional rules and practises which are perpetually 'SHAPED' by the demands of practise and organisational restrictions". The traditional responses to female criminality by the criminal judicial system show that intensive quantitative and qualitative research is required to know the extent of women's criminality and the reason behind it. There is a similar need of recognition of a gender difference. In the end it can be said that the criminal justice system has to shed its gross callousness discrimination and depravity if it is to become a true vehicle of justice, real and substantial for all shedding aside all inhibitions and system inherent frailties overcoming gender and class barriers.

"One of the most egregious, pervasive, and long-standing human rights abuses in the world is violence against women. It poses a danger to women everywhere and thwarts progress, peace, and progress towards gender parity in all nations. As a universally unacceptable

kind of wrongdoing, violence against women is always a serious issue. We need to treat this problem with the deadly seriousness it demands."

Sexual assault and other crimes against women can only be stopped by laws and the police. So that women receive the respect and equal position to which they are entitled, there must be a societal awakening and a change in the mindset of the majority. In this era, it's imperative that women receive their appropriate respect. Education campaigns aimed at youngsters can help bring about this realization by making them aware of the societal issues that exist and the ways in which to eradicate them. Given the widespread availability of modern mass media, which now reaches all 28 http://www.ndtv.com/article/cheat-sheet/recommendations-of-the-justice-verma-committee-...2/1/2013 There are 18 countries in total. Responsible action in this area can be taken by a variety of non-governmental organizations (NGOs), which can be tasked with raising awareness about the socio-economic factors that contribute to these crimes and the devastating effects they have on women and communities.

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- Bhim Singh V. Union of India (SCC) 2005
- Arnesh Kumar V. State of Bihar &Anr. (SCC) 2014
- Municipal Corp. of Delhi V. Female Workers AIR 2000 SC 127
- Chairman, Railway Board V. Chandrima Das, (2000) 2 SCC 465: AIR 2000 SC 988

- Binny Ltd. V. Sadasivan, (2005) 6 SCC 657
- Imrana rape case (2005)
- Ayesha Miran rape case (2007)
- Delhi gang rape 2012
- Kamduni gang rape and murder case 2013
- Suzette Jordan (2013)
- Birbhum gang rape case 2014
- Kandhamal gang rape case 2015

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